

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON HIGHWAYS AND TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ARNIE MOHL**, on January 11, 2001 at 3:00 P.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Arnie Mohl, Chairman (R)  
Sen. Ric Holden, Vice Chairman (R)  
Sen. Dale Berry (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Bob DePratu (R)  
Sen. Dan Harrington (D)  
Sen. Sam Kitzenberg (R)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Glenn Roush (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Marion Mood, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 58, 1/4/2001; SB 64,  
1/4/2001; SB 125, 1/4/2001  
Executive Action: SB 53

#### **HEARING ON SB 58**

**Sponsor:** SEN. MIKE HALLIGAN, SD 34, Missoula

**Proponents:** Dave Galt, Director, Montana Dept. of Transportation

**Opponents:**     none

**Opening Statement by Sponsor:**

**SEN. MIKE HALLIGAN, SD 34, Missoula,** introduced SB 58. He remarked that under present law, 15-70-336, using dyed or non-taxed diesel fuel illegally is a high misdemeanor, punishable with fines from \$100 to \$2,000, administered by the Justice Court. His proposed bill would create a two-tiered system to change it to a civil as well as criminal penalty. He felt that County Attorneys were not using the criminal penalty which in some cases they deemed as being too harsh. This resulted in a potential loss to the state of \$3-4 million per year because people were abusing the process by using dyed fuel illegally. He referred to Dave Galt to give expert testimony.

**Proponents' Testimony:**

***{Tape : 1; Side : A; Approx. Time Counter : 2.4}***

**Dave Galt, Director of Transportation Designee,** agreed that this bill would enable the department to do a better job of enforcing fuel tax laws across the state, in showing that the department's cash management is able to match federal highway dollars. He offered some background information, on how dyed fuel is to be used for off-road vehicles and clear fuel for on-road vehicles. He said that there is a lot of misuse but since the dyed-fuel statutes have been enforced (1997), this has decreased. He also felt that the penalties were too severe for some offenders; this bill allows for a civil penalty of \$100, to be remitted to the Department of Transportation, and not necessarily the \$2,000 fine but at the same time provides the mechanism to go back to the criminal statute, if warranted. It would remove about 150 violations a year from the justice system caseload and place it with MDT. He had some questions as to how this proposed bill relates to the dyed fuel statutes and therefore requested an amendment which reads: "the subject to the civil penalty imposed under this section for the first offense, and the subsequent offense is subject as a misdemeanor" under the rest of these laws. On behalf of the Department of Transportation, he thanked **SEN. HALLIGAN** for introducing this bill for the Department.

**Opponents' Testimony:**     none

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : A; Approx. Time Counter : 6}***

**SEN. RIC HOLDEN** wanted to know since when the government imposed civil and criminal penalties for the same set of situations. **SEN. HALLIGAN** replied that in order to minimize the impact on local

government budgets, the misdemeanor system was moved to a civil penalty system; if imprisonment or a substantial fine was a possibility, people would start asking for attorneys and not pay their fines. This bill would offer an adequate legal remedy with civil penalties. It would offer a less costly alternative. **SEN. HOLDEN** inquired what the Fuel Tax Advisory Board's recommendation was last year concerning this bill. **Dave Galt** stated that the committee recommended a "do pass" at their last meeting which he attended. **SEN. HOLDEN** said he thought this piece of legislation was not supported by that committee and wanted to see that final report to refresh his recollection. **Dave Galt** stated that he would provide that report. **SEN. JERRY O'NEIL** inquired whether civil penalty was a way to get around due process rights and jury trials. **SEN. HALLIGAN** replied that would be the case if one assumes that everything has to go to a jury trial; it is possible for someone given a civil penalty for \$100 to challenge that to the administrative system rather than going to a district court and a jury trial.

Closing by Sponsor:

**SEN. HALLIGAN** closed on SB 58 by offering **EXHIBIT(his08a01)** to **SEN. HOLDEN** which contains the information on the Fuel Advisory Committee pertaining to civil penalties for motor fuel retailers who do not comply with marketing their dyed fuel.

*{Tape : 1; Side : A; Approx. Time Counter : 11.7}*

HEARING ON SB 64

Sponsor: **SEN. JOHN BOHLINGER, SD 7, Billings**

Proponents: **Jacqueline Lenmark, AIA**  
**Mona Jamison, General Motors Corp.**  
**Roger Hagan, self**  
**Jamie McCall, Deaconess Hospital**  
**Steve Yeakel, Montana Council for Maternal & Child Health**  
**Tom Ebzery, SV Hospital, Billings**  
**Tom Harrison, American Automobile Assn.**  
**Jim Ahrens, Mt. Hospital Assn.**  
**Steve Turkiewicz, Mt. Auto Dealers' Assn.**  
**Ernie Saxman, Montana Safe Kids Campaign**  
**Stephanie Dills, Yellowstone Co. Traffic Safety Task Force**  
**Charles R. Brooks, Yellowstone Co. Commissioner**  
**Donald Harr, Mt. Medical Assn.**  
**Harold Hanser, Yellowstone Co. Traffic Safety**

Dwight Easton, Framers Ins. Group  
Kathy McGowan, Mt. Sheriff's Peace Officer  
Sami Butler, Mt. Nurse's Assn.  
Troy McGee, MT. Assoc. Chiefs of Police  
Col. Burt J Obert, Mt. Highway Patrol  
Greg Van Horssen, State Farm Ins. Co.  
Jerry Loendorf, Mt. Medical Assn

**Opponents:** Steve White, self, Bozeman

**Opening Statement by Sponsor:**

**SEN. JOHN BOHLINGER, SD 7, Billings,** opened by explaining that he was offering this bill in memory of a young woman he saw die on the highway after she was ejected from her vehicle because she was not wearing her seatbelt. This made an indelible impression on him, all the more as her death could have been prevented had she worn her seatbelt. He allowed that there was a mandatory seatbelt law on the books, but introduced this bill to make not wearing a seatbelt a primary offense, meaning a motorist can be pulled over for not wearing his or her seatbelt where as now they cannot be pulled over unless they have violated some other traffic regulation. He cited data compiled by the Seatbelt Awareness Coalition in Yellowstone County which shows that 76% of traffic fatalities in that county were not wearing their seatbelts; unbelted motorists were 5 ½ times more likely to require hospitalization; 75% of child accident victims were unbelted; that the average hospital charge was 55% higher. The study lasted from 1992 to 1996 and concluded 13 lives could have been saved and 142 hospital stays avoided in that county alone if people had worn their seatbelts. He addressed concern by some who feel that any regulation is an inappropriate infringement upon their individual rights but countered by asking how many of these crashes were caused or suffered by uninsured motorists; that then their health care becomes a public cost. He stated that Montanans pride themselves on being responsible for their own actions, but when one of us acts without that responsibility we all have to pick up the tab. He urged a yes vote to help stave off preventible traffic deaths and decrease the financial burden. Preventive measures not only save lives but also help the bottom line by increasing productivity by fewer work days lost.

**Proponents' Testimony:**

***{Tape : 1; Side : A; Approx. Time Counter : 22.7}***

**Ernie Saxman, Montana Safe Kids Campaign,** reiterated his association's longstanding commitment to the youth of Montana and submitted **EXHIBIT(his08a02)** which contains valuable information. He also offered more statistics regarding motorists' habits, citing that when a driver is unbuckled, 70% of the time the children riding in his car are also unbuckled, making a child twice as likely to suffer death or injury in a crash compared to one who is restrained. He stated that the taxpayers pay 85% of the medical cost, and that Yellowstone County spent over \$7 million in three years for hospital charges with regards to unbuckled drivers. He further stated that crashes cost the average employer \$22,000 per crash, and \$110,000 per injury nationally. He asked the committee to review the fact sheet in its entirety.

**Kathy McGowan, Montana Sheriff's and Peace Officer's Association,** stated that her organization was the first to support this bill because they are the ones to get a first-hand look at the impact a driver's non-compliance can have. She also said the proposed bill would help young people comply because they would be ticketed otherwise which could have economic implications for them.

*{Tape : 1; Side : A; Approx. Time Counter : 26}*

**Troy McGee, Montana Chiefs of Police Association,** offered strong support of this bill.

**Sami Butler, Montana Nurse's Association,** she stated that she supports this bill because she believes in prevention, and she knows wearing seatbelts is a prevention that prevents certain types of injuries and saves lives. She stated that in her profession as an intensive care nurse, she gets a first-hand look at the type of injuries of unbelted drivers. She offered an amendment to which **SEN. BOHLINGER** was agreeable, and that being sub-section 2, sub-section 1, to add behind "licensed physician" "or an advanced practiced registered nurse", citing that in our rural state, much of the primary care is provided by such a nurse.

**Donald Harr, Montana Medical Association,** offered that in addition to the injuries mentioned, there was also the issue of post-traumatic stress disorder. He further stated that as a psychiatrist and neurologist, he has seen many cases of brain damage as a result of accidents in which they were not wearing seatbelts. He referred to a fact sheet included in **EXHIBIT(his08a03)** and **EXHIBIT(his08a04)** and strongly recommends passage of the bill.

*{Tape : 1; Side : B; Approx. Time Counter : 0}*

**Roger Hagan, self**, conceded that it might infringe on people's personal rights to have to wear a seatbelt but said that an oncoming motorist not wearing his belt also infringes on his rights. As examples, he related several accidents he had had where his seatbelt saved him not only from death but also from injury, in one of which he walked away with a mere scratch on his head after rolling end over end 4 times. He reiterated that he and his children are strong believers in wearing seatbelts.

**Jerry Loendorf, Montana Medical Association**, stated that he has appeared in front of many committees, always supporting seatbelt laws, and that the only real argument against it that he had ever heard was that it was an imposition on our liberty. He referred to the Montana Constitution, Article II, section 3 which discusses the unalienable rights the Constitution grants to each of us, and which concludes "in enjoying these rights, all persons recognize corresponding responsibilities", and he submitted that wearing a seatbelt is a small obligation to impose on a person in lieu of the benefits of personal safety but also savings to the taxpayer.

**Mona Jamison, General Motors Corporation**, stated that she and the corporation believe in safety and agree that making not wearing a seatbelt a primary offense is very important. As an aside, she remarked that she lobbied for the Seatbelt Coalition twenty-five years ago, and then the support was not nearly as strong as today, as shown by the show of hands in support of this bill, and one lone opponent. She concluded that times have changed and people understand the economic and personal impact of not wearing seatbelts. She further stated that teens need to know and they understand the language of tickets and insurance premiums increasing.

**Tom Harrison, AAA Mountain West**, stated that this bill was a high priority item for the more than 150,000 members of his organization and asked the committee for their support.

**Jim Ahrens, Pres., Montana Hospital Association**, stated that his organization also stood in favor of the bill.

**Tom Ebzery, St. Vincent Healthcare, Billings**, submitted **EXHIBIT (his08a05)** in support of the bill.

**Steve Yeakel, Montana Council for Maternal & Child Health**, stated that between mid-November and mid-December last year, they talked to more than 500 Montanans in 18 towns and found strong support for this legislation. He referred to a video produced for their use, a copy of which had been sent to the members of the Committee. He added that Montana was ranked 50<sup>th</sup> in the January

2001 copy of the magazine for the Insurance Institute for Highway Safety because of the seatbelt, young driver licensing, and child restraint issues, and that it was time for this bill.

**Jamie McCall, Deaconess Hospital, Billings,** strongly supports this bill and urges its passage.

*{Tape : 1; Side : B; Approx. Time Counter : 8.2}*

**Harold Hanser, Attorney, Billings, self,** stated that he was involved in safety issues as County Attorney for Yellowstone County and currently spent some time with the Yellowstone County Task Force. He handed out **EXHIBIT(his08a06)** which represents a seatbelt fact sheet and said that we are not only talking about saving lives but also the economic side of it, as Ben Franklin said "A penny saved is a penny earned". He explained that Montana spends millions of dollars a year on preventable accidents, and this bill not only saves lives, but also money. He said the public sector as well as the private insurance companies pick up the tab.

**Charles Brooks, Yellowstone County Board of County Commissioners,** stated that this group sees this bill as a vital instrument as far as economics is concerned due to the cost they have to pick up when seatbelts are not worn and urge your support.

**Col. Bert Obert, Montana Highway Patrol and the Department of Justice,** talked about more statistics, namely that 33% of the almost 22,000 crashes last year involved injuries; 200 fatal crashes involved 235 fatalities; there are 10,000 people who are injured each year in Montana, and we are approaching a \$700 million economic loss. He urged we do something about it since we bear the cost in increased insurance premiums and loss of productivity.

**Greg Van Horssen, State Farm Insurance Co.,** stated that his company also supports this bill as well as **Jacqueline Lenmark,** who could not be present, representing the **American Insurance Association.**

**Dwight Easton, Farmers Insurance Group,** said that his company also supports this bill and presented a survey **EXHIBIT(his08a07)** done by the Insurance Institute for Highway Safety. He maintained that more drivers buckle up in states where the seatbelt law is a primary offense. He also wanted to show that there will not be an increase in insurance premium for a violation, and it also will not go on a driver's record.

**Steve Turkiewicz, Montana Automobile Dealers Association**, came out in support of this bill, saying that his organization was one of the original members of the Seatbelt Coalition and that the combination of seatbelts and airbags did indeed save lives.

**Opponents' Testimony:**

**Steve White, citizen**, wanted to make it clear that he did not oppose seatbelts but had issues with this bill. He referred to the failure of this same bill in the House last term as well as SB 111 from 1997 and provided a copy of the transcript of the executive action taken **EXHIBIT(his08a08)**. He pointed out that SB 111 was originally designed to make a seatbelt violation a primary offense but in order to get it passed, it was changed to a secondary offense. He said that this was the only way the citizens of Montana would approve of the bill. To him, the issue is personal responsibility, the same as was the case with the helmet issue. He said he and his family wear seatbelt because it is the responsible thing to do, and not because it is the law. He cited the recent accident near Potomac in which 4 people of one family were killed, burned up because their gas tank exploded, and stated that they all were wearing seatbelts and could not escape death. He said that there is no way of assuring total safety, and that there does not even exist a level playing field: cars manufactured prior to Jan. 1, 1968 are exempt from this law because they were no seatbelts at the time of manufacture. He offered a copy of a newspaper article **EXHIBIT(his08a09)** about a Supreme Court case which related the case of a mother driving down the road looking for a lost toy. They could not see out the windows because they were buckled up, so they released their belts, and she was promptly taken into custody for failure to wear a seatbelt. He felt that this constituted abuse. He made it clear that he agrees with the Republican Party platform where each individual is solely responsible for his or her actions, and opposes changing the seatbelt law from a secondary to a primary offense. He felt that drivers should be punished for driving in a reckless manner and not because the driver was driving in a safe manner but not wearing a seatbelt.

**Informational Testimony:**      **EXHIBIT(his08a10)**

**{Tape : 1; Side : B; Approx. Time Counter : 24.6}**

**Questions from Committee Members and Responses:**

**SEN. ROBERT DePRATU** asked which avenue was open to the larger person around whom a seatbelt would not fit in some cars. **SEN. BOHLINGER** stated that they could get a doctor's statement

providing an exception. **SEN. DePRATU** who as an auto dealer has to drive an array of cars said that in most cases, the seatbelts do fit but was concerned with the time he would not be wearing one for the above mentioned reasons. He further stated that his was not a medical condition and he would feel uncomfortable seeking such an exemption.

**{Tape : 2; Side : A; Approx. Time Counter : 0}**

**SEN. BOHLINGER** offered that **Col. Obert** could provide a better answer. **Sen. DePRATU** then redirected to **Col. Obert** who stated that there are extensions available. **SEN. DePRATU** stated that he was aware of that and supplied them to his customers but that sometimes upon appraising a customer's vehicle he just did not have this option available to him. **Col. Obert** allowed as to how these occasions would arise, and felt it should be up to the officer to decide whether to issue a citation. **SEN. HOLDEN** asked if this was a criminal statute. **Col. Obert** replied that it was. **SEN. HOLDEN** asked what the amount of the fine was. **Col. Obert** responded that currently it was \$20. **SEN. HOLDEN** wondered if it was \$20 each time a driver was pulled over. **Col. Obert** replied that it was \$20 for each offense, regardless of how many passengers in the car were not belted. **SEN. HOLDEN** wanted to make sure that this current bill would not change that, and **Col. Obert** assured him that it would not. **SEN. HOLDEN** asked what the penalties would be for subsequent violations. **Col. Obert** answered it would be \$20 for each incident. **SEN. HOLDEN** asked if there would ever be jail time associated with multiple offenses. **Col. Obert** stated he did not believe so. **SEN. HOLDEN** then redirected to the sponsor, asking for a clear answer on what the penalties would be. **SEN. BOHLINGER** stated he did not have the document describing the penalties but that under present law the fine is \$20 and his bill would not change that. The staffer, **Ms. Erickson** then read from the statute where it says that it is not a moving violation that could go on a driver's record, the fine is \$20 and there is no jail time, and no insurance company can hold the violation against the driver and increase his premium. **SEN. BOHLINGER** thanked her and **SEN. HOLDEN** was satisfied this answered his questions. **SEN. GLENN ROUSH** asked of **Col. Obert** if this law was enforced on all roads except for private property. **Col. Obert** answered that it was. **SEN. ROUSH** then asked if agricultural vehicles were exempt. **Col. Obert** answered that there was not, except when it was felt that the driver is in and out of his vehicle too often, as would be the case with a mail carrier. In those instances, a petition can be made to the Attorney General's Office for an exemption for that particular vehicle. **SEN. DALE BERRY** asked if insurance premiums could increase or decrease if this bill passed. **Greg Van Horssen** answered that he did not have actual numbers with him. He did remind the committee that premiums are based on past experience,

and if after the passage of time this bill would result in less severity of accidents and thus fewer claims dollars paid out, it would follow that premiums would be reduced commensurately. **SEN. HOLDEN** then asked if he was feeding cattle in his pasture and pulled out on a county road, would he be in violation without his seatbelt. **SEN. BOHLINGER** referred to **Ms. Erickson** to read from the statutes. **Ms. Erickson** read that it was possible to get an exemption from the Department for people having to make frequent stops in their job duties. **SEN. HOLDEN** redirected to **Col. Obert** to get clarification as to ranchers. **Col. Obert** said it would depend on how often a person would get in and out of a vehicle, and how many times a day this would happen in order to validate a need for the exemption. This has been done in the past for delivery and mail people but he was not aware of a request from ranchers but said it would be taken into consideration. **CHAIRMAN ARNIE MOHL** asked how many people had to be in a vehicle before it was exempt from the law, citing school busses. **Col. Obert** said that of the larger one, it was only school busses; shuttle vans had to have them. **CHAIRMAN MOHL** stated that he rode on a Greyhound bus that had not seatbelts. **Col. Obert** stated it must have been an older model because there currently were no exclusions. **CHAIRMAN MOHL** repeated his question regarding school busses being a priority. **Col. Obert** answered that there is a lot of federal pressure to equip school busses with belts and that it would happen some day. **SEN. O'NEIL** asked of **Mona Jamison** whether instilling in her children the need to wear seatbelts made them better citizens, and she answered that it did but that sometimes it was necessary, in addition to a parent's admonishing, to have the arm of society reach down and say buckle up or you will bear the consequences in way of fines or higher premiums. **SEN. SAM KITZENBERG** asked whether this committee should also address people riding in the bed of a pick-up in this bill. **Col. Obert** admitted this was a real concern because it is not illegal under the seatbelt law since there are no seatbelts available in the back of a pick-up. **CHAIRMAN MOHL** asked if there would be an increase in the department's staff, and if it would require a fiscal note. **Col. Obert** said it would not. **SEN. HOLDEN** questioned that with implementation of other pieces of legislation, there followed a request for more staff. **Col. Obert** maintained he would not require additional staff. **SEN. O'NEIL** asked if this bill would increase revenue for the department because more people would be pulled over. **Col. Obert** declined, referring to the low amount of the fine, saying this was a safety issue, not a revenue issue. **SEN. DePRATU** wanted to know the enactment date if this bill passed. **Ms. Erickson** said it would be Oct. 1, 2001.

*{Tape : 2; Side : A; Approx. Time Counter : 24.6}*

**Closing by Sponsor:**

**SEN. BOHLINGER** closed on SB 64. He summarized the testimony from the proponents, reiterating how important this piece of legislation was in that it would save lives. Referring to the lone opponent, he said it was a personal responsibility but that not everyone was responsible, resulting in increased cost to the taxpayer and the insured.

*{Tape : 2; Side : B; Approx. Time Counter : 0.1}*

**HEARING ON SB 125**

**Sponsor:** SEN. JOHN BOHLINGER, SD 7, Billings

**Proponents:** Dwight Easton, Farmers Insurance Group  
Donald Harr, Montana Medical Assn.  
Greg Van Horssen, State Farm Insurance Co.  
Jerry Loendorf, Montana Medical Assn.  
Jacqueline Lenmark, AIA  
Roger Hagan, self

**Opponents:** Steve White, self

**Opening Statement by Sponsor:**

**SEN. BOHLINGER** opened by saying he was asked by his constituents to do as they do in Canada, and that was to be required to drive with the headlights on at all times. He said that this proposal has failed in previous sessions but that he felt it needed to be addressed again. He said it is lengthy, 7 pages, but that it dealt with 10 sections of the present law. The essence of the bill is found on page 1, lines 28 through 30, and says "that each driver operating a vehicle with headlights installed shall operate such a vehicle with the headlights on at all times when driving on a highway". He stressed that visibility is extremely important, to see oncoming traffic and be seen by it. Research shows that nearly half of all traffic collisions are caused by driver information problems, such as faulty visual perception, recognition errors and comprehension errors. He said the issue is not how well a driver sees, but whether the driver can determine another's presence, and how quickly they are approaching. Collisions caused by poor vision are rare; collisions caused by visibility problems and misperception are

not. He said visual contrast or the lack of, even in daylight hours, is another factor which this bill addresses. He said the purpose of daylight running lights was to increase visual contrast, thereby reducing one's chance of a collision. He cited Scandinavian studies which confirm what he was saying, that daytime running lights do reduce the chance of collision. Finland became the first country to require daytime running lights as standard equipment in 1972, and the number of collisions has dropped by 27%. The Department of Transportation in Canada has found a 20% reduction in collisions by cars driving with their headlights on; such a reduction means that 120 lives were saved annually, as well as 11,000 injuries, and a savings of \$200 million annually. He also said he could imagine there would be a corresponding drop in car insurance rates if this bill were implemented. He stated that he knew some people would view this as an infringement on their personal right, but said that it took guts to introduce a bill that initially would meet with some public resistance but reminded the committee that lawmakers are elected to make hard decisions in the public interest.

**Proponents' Testimony:**

***{Tape : 2; Side : B; Approx. Time Counter : 10.4}***

**Tom Harrison, AAA Mountain West,** outlined the kind of crashes this bill would help eliminate. In Denmark, it resulted in a 7% decline in multi-vehicle daytime crashes. In that same period of time, a 15 month study, left turn crashes were also reduced by 37%, where the turning low-speed car did not see the oncoming high-speed car. In these types of crashes, nothing else has to be done wrong, the oncoming traffic was not seen due to lack of visibility. He pointed out that in 1973, a similar bill was supported by the Senate Highways Committee; it encouraged drivers to drive with their headlights on at all times, and passed.

**Donald Harr, American Medical Association,** referred to **Exhibit (3).** He also wants to make reference to bicycles, motorcycles, and pedestrians who are impacted by the lack of visibility of vehicles. He lauded that there are a number of vehicles who have automatic DLR's (daytime running lights). He also pointed out that as we age, vision problems do occur, and pointed to the younger generation which is more easily distracted, and that headlights counteract that. He stated that the most dangerous times are just prior to sunrise as well as to sunset. He said that in addition to the threat of injury, there is the fiscal concern and urged support.

**Roger Hagan, self,** reiterated the other's testimony, repeating that it is easier to judge an oncoming car's speed when its

headlights are on, and that it is clearly easier to see in adverse lighting.

**Dwight Easton, Farmers Insurance**, referred to a handout **EXHIBIT (his08a11)** which cites number of statistics relating to the advantages of DLR's. He felt that this bill would be an inexpensive way to reduce injuries and death and urged support.

**Greg Van Horssen, State Farm Insurance**, stood in support for this bill and also conveyed **Jacqueline Lenmark** and her organization, the **American Insurance Association's** support.

**Jerry Loendorf, Montana Medical Association**, said that in a line of cars, vehicles further away with their lights on are easier to be seen than those closer with their lights off.

#### Opponents' Testimony:

**Steve White, self**, questioned why there needs to be a 7-page bill to tell us to keep our headlights on. He related that he almost had an accident, during the day, because an oncoming driver had his headlights on which caused him to not see a deer that was crossing the road behind the car. He also pointed out that lights, if left on, drain the battery of a parked car which then has to be jump-started. He also stated that this as well as the seatbelt bill is an imposition on a rancher who has to buckle up and turn on his lights every time he comes out of his field onto the highway for a half mile to the next gate, just because the sheriff might be cruising down the highway. He then mentioned that most of the new cars have digital dashboards and those lights dim as soon as the headlights are turned on because typically, this is done at night, and it reduces the glare. As a result, when he turns on his headlights in the daytime, he can't see the instruments, and this puts another hardship on him, and he urged defeat of this bill.

#### Informational Testimony:

**Dave Galt, Department of Transportation**, stated that there was a fiscal note attached to this bill, for initially 42 locations for highway signs at a one time cost of \$38,318. These signs could be combined with the "buckle up" signs at a later date, and could use the same posts.

#### Questions from Committee Members and Responses:

**SEN. KITZENBERG** asked what the penalty described in this bill was. **SEN. BOHLINGER** said there was no penalty prescribed and referred to **Ms. Erickson** who said it falls under 61-9-511 "a

person convicted of a misdemeanor for a violation of any provisions of this chapter" which would include this particular law "for which another penalty is not provided, punished by a fine of not less than \$10 and not more than \$100, for a second conviction within one year of not less than \$25 and not more than \$200, on third or subsequent convictions within one year after the first conviction a fine of not less than \$50 or more than \$500". **SEN. BOHLINGER** thanked her. **SEN. O'NEIL** referred to a study saying that there was a reduction in accidents with light colored cars having their headlights on, but not with darker colored cars. **SEN. BOHLINGER** he had not seen that study.

*{Tape : 3; Side : A; Approx. Time Counter : 0.1}*

**SEN. O'NEIL** asked **Steve White** whether he had seen such a report. **Steve White** answered he was not aware of any such study. **SEN. O'NEIL** asked if his family used their headlights during the daytime. **Steve White** answered in the affirmative, adding depending on conditions it would be absolutely critical. **SEN. O'NEIL** asked if he taught his children that, believing it to be a personal responsibility. **Steve White** again confirmed his belief. He does not want to use the crutch of law to threaten his children but rather set a good example by being a responsible citizen. **SEN. O'NEIL** asked him if he believed if the goal of this bill is to reduce accidents, if we would not be better off to just reduce highway speed limits to 55 mph instead of passing a law for seatbelts and one for headlights. **Steve White** was not sure if these issues could be compared with regards to reducing accidents but again stated it should be up to the driver to act responsibly. **SEN. DAN HARRINGTON** asked if **SEN. BOHLINGER** would be agreeable to add an amendment to his bill, dealing with the amount of fines for violations. **SEN. BOHLINGER** conceded that it would be important to clarify what the penalties are. He stressed again that this does not represent a revenue measure but one that could save lives and prevent injury. He said if the committee wanted to apply a dollar amount to this bill, it should be kept low, as to just get a driver's attention. **SEN. HOLDEN** wanted clarification on the word "vehicle" as farm tractors were also mentioned here. **SEN. BOHLINGER** referred to **Ms. Erickson** again who read from the statute which defines a motor vehicle as propelled by its own power and designed to transport persons or property upon the highways; she thought the operative word was that a vehicle is required to be equipped with headlights. She did state that there are some farm vehicles that are not required to be equipped with headlights. **SEN. HOLDEN** then wanted clarification regarding the term "highway". **Ms. Erickson** answered highway means any publicly maintained road open to use by the public for vehicular travel, in essence including any

public road, be it a county road or a city street. **SEN. HOLDEN** asked then that with passage of this bill, headlights needed to be on anywhere, anytime which **SEN. BOHLINGER** confirmed. **SEN. HOLDEN** further asked how the sponsor intended to deal with the farm issue where a person had to be in and out of the vehicle, on and off public roads and so forth. **SEN. BOHLINGER** admitted to never having worked on a farm but thought that he wanted to be visible to other vehicles and thus would have his lights on. **SEN. VICKI COCCHIARELLA** asked for **SEN. DePRATU** if **SEN. BOHLINGER** was aware of the dashboard lights dimming when headlights are turned on. **SEN. BOHLINGER** said that he was. **SEN. COCCHIARELLA** said that there was a way to adapt a car to prevent this, for a price of about \$75. She wondered if this was a fair burden to the citizens of Montana. **SEN. BOHLINGER** did not feel his bill would compel people to go to that expense, they could look at their watch or listen to a radio station's announcements. **SEN. COCCHIARELLA** then asked if there would be an exemption to the headlights bill for a police officer or fraud investigator working under cover, doing surveillance. **SEN. BOHLINGER** admitted there were no provisions in his bill to address this matter but felt if everyone were to drive with his lights on, then the under cover agent would blow his cover were he the only one with his lights off. He felt, though, that an amendment could be written to accommodate these situations. **SEN. KITZENBERG** said he was surprised that there was not a safety expert for the Department of Transportation available to testify. He also wanted to know if the Department endorsed this bill. **Dave Galt** said they have not taken a position on this bill but that the safety director was present and would testify as an informational witness. **Al Goke, Highway Traffic Safety Director**, admitted that the issue is complex, and that there have been difficulties regarding placement and brightness of the lights etc. **SEN. KITZENBERG** asked what his position was, whether he thought this bill would save lives. **Al Goke** stated that visibility is a viable issue, and even though there were a variety of ways in which the country could deal with the DLR's, he sees a true need for some sort of action. **SEN. KITZENBERG** again asked if this bill would save lives. **Al Goke** answered that it could. **SEN. ROUSH** asked if the bill was passed as written, would it increase insurance premiums or change the driving record. **Greg Van Horssen** explained that he doesn't know whether the penalty associated with this bill is going to be considered as a moving violation or a chargeable moving violation; these represent two different things from an insurance perspective. He said it remains to be seen, after this bill is passed, if moving down the highway without lights on enhances in some way claims numbers or magnitude, the insurance industry would take a look at that then. **SEN. ROUSH** asked if the bill was amended to reflect a certain fine, would we also

need language to prohibit insurance premiums from increasing with a violation. **Greg Van Horssen** stated it would depend on where that language would be placed, and where the default penalties exist, and that it was up to this committee to make that very clear. **SEN. O'NEIL** posed the question to **Mr. Goke** whether he had seen statistics where a light color car with headlights on was seen easier than a dark color car or if there was no difference. And if it was the government's goal to save drivers' lives, would we be better off passing this law as opposed to implementing a lower speed limit. **Al Goke** does not think these two measures could be compared, especially since drivers in Montana would not heed a 50 mph daytime speed limit. **Sen. O'NEIL** then stated that a great number of accidents happen because the driver falls asleep at the wheel. **SEN. O'NEIL** then took it a step further and asked if we should then pass a law limiting driving to eight hours a day or two hours at a time instead of passing the headlight law. **Al Goke** said that at this time, only commercial vehicles are so restricted. **CHAIRMAN MOHL** then asked how many additional people the Department would need to enforce this law. **Col. Obert** said it would be difficult to ascertain if more people would be needed because there still would be the same number of cars out there. **CHAIRMAN MOHL** wondered if it would not create more of a hazard stopping people for headlights during the day on Montana's narrow roads. **Col. Obert** admitted that there was something to that, that it could be a safety issue but that troopers would always make sure to pick a safe spot.

**Closing by Sponsor:**

**SEN. BOHLINGER** closed on SB 125. He summarized that left turn crashes are reduced by 37%, that it not only provides added safety to drivers but also pedestrians, in short that increased visibility enhances safety.

**{Tape : 3; Side : B; Approx. Time Counter : 4.7}**

**EXECUTIVE ACTION ON SB 53**

**Motion:** **SEN. HOLDEN** moved that **SB 53 DO PASS.**

**Discussion:** A discussion ensued on the amendment **Exhibit (11).** **Ms. Erickson** stated that all the amendment says is that a 100% disabled veteran may register only one vehicle for \$5, be it a motor home, travel trailer, passenger car or pick-up, as long as it is a vehicle not used for commercial purposes. **CHAIRMAN MOHL** repeated that the veteran only had one chance for this preferred fee. **Ms. Erickson** agreed; additional vehicles would have to be registered under regular fees. **SEN. COCCHIARELLA** wondered

whether there would be additional cost involved with this amendment due to additional tracking of registrations to make sure each veteran uses this privilege just once. **SEN. ROUSH** allowed as to how the Budget Office had no real numbers regarding cost and said those would have to come from MACO which then were presented as **EXHIBIT(his08a12)**. This letter states the impact to the county as being \$32,000 and to the state \$96,000. **SEN. HOLDEN** questioned whether those number were correct, being that the amendment only makes sure that just one vehicle is registered under this low fee, in essence not changing the status of this bill. **Ms. Erickson** repeated that current law limits the veteran to just one vehicle; this amendment does not change that. All the amendment does is substitute the term motor vehicle rather than listing different kinds. **SEN. ROUSH** stated that he had suggested to the Department to streamline the wording, and it appeared that this amendment did just that. He also addressed **SEN. COCCHIARELLA** concern about additional tracking cost, saying he could not see it costing any more. **SEN. COCCHIARELLA** stated that after listening to **Ms. Erickson** she had to agree with **SEN. HOLDEN** saying if it was limited to only one vehicle now, they would be tracking one vehicle already, thereby not adding more costs so that the fiscal note could even be eliminated. **SEN. HOLDEN** still wanted to have **Ms. Erickson** clarify what the amendment does, saying we want to erase the fiscal impact to the counties and be sure that a veteran can only register one vehicle under this bill, whatever that vehicle may be. **Ms. Erickson** referred to page 5, lines 29 and 30 of the bill, where it says that the original license or renewal fee is \$5 for a passenger car, motor vehicle or truck under 1 ton GVW, meaning that registration is \$5 for one of those vehicles, not for all of them. **SEN. HOLDEN** was concerned that the amendment then might distort the bill. He felt that by adopting the amendment, there would be a fiscal impact to the counties. **SEN. O'NEIL** asked if the veteran has an RV worth \$200,000 and a one-axle camping trailer worth \$1,000, would they have to pay full registration for the RV. **Ms. Erickson** replied that by definition the term motor vehicle included a house trailer for purposes of registration. **SEN. O'NEIL** mentioned he brought this up because it was odd to him that a motor vehicle did not have to have a motor in it.

**Motion/Vote:** **SEN. HOLDEN** moved that **AMENDMENT TO SB 53 DO PASS**.  
**Motion carried 8-0.**

**Motion/Vote:** **SEN. MOHL** moved that **SB 53 DO PASS AS AMENDED**.  
**Motion carried 8-0.**

**EXHIBIT(his08a13)**

**ADJOURNMENT**

Adjournment: 5:47 p.m.

---

SEN. ARNIE MOHL, CHAIRMAN

---

MARION MOOD, Secretary

AM/MM

**EXHIBIT** (his08aad)